

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA**

KELLY MILLIGAN,  
ON BEHALF OF HIMSELF AND  
ALL OTHERS SIMILARLY SITUATED,

Plaintiff,

v.

MERRILL LYNCH, PIERCE, FENNER &  
SMITH INC., BANK OF AMERICA CORP.,  
and JOHN/JANE DOE 1, THE SENIOR VICE  
PRESIDENT–HUMAN RESOURCES  
GLOBAL BANKING AND GLOBAL  
WEALTH AND INVESTMENT  
MANAGEMENT ADMINISTRATION AT  
BANK OF AMERICA CORP.,

Defendants.

Case No. 3:24-cv-00440-KDB-DCK

Judge Kenneth D. Bell  
Magistrate Judge David Keesler

**DEFENDANTS’ UNOPPOSED MOTION TO FILE CERTAIN  
INFORMATION IN THEIR REPLY IN SUPPORT OF  
THEIR MOTION FOR SUMMARY JUDGMENT UNDER SEAL**

Pursuant to Rule 5.2(d) of the Federal Rules of Civil Procedure and Local Rule 6.1 Defendants Merrill Lynch, Pierce, Fenner & Smith Inc. (“Merrill Lynch”) and Bank of America Corp. (“Bank of America”) (together, “Defendants”) hereby move the Court to enter an order allowing Defendants to file an unredacted version of Defendants’ Reply in Support of Their Motion for Summary Judgment under seal. Defendants have conferred with counsel for Plaintiff Kelly Milligan concerning this Motion, and Plaintiff consents to the relief requested herein.

Specifically, Defendants seek to file under seal certain factual statements reflecting the amount of compensation (i) Plaintiff earned while employed with Merrill Lynch, or (ii) other Merrill Lynch Financial Advisors could have earned under the terms of the Bank of America WealthChoice Contingent Award Plan and/or the annual Merrill Lynch Financial Advisor

Incentive Compensation Plans issued during the time period relevant to this case. The Court previously granted the parties' respective unopposed motions to file the same sort of confidential compensation information under seal in the related briefing on Defendants' Motion for Summary Judgment. *See* Dkts. 45, 55. The grounds for this relief are more fully set forth in Defendants' accompanying Memorandum in Support of this Motion to Seal.

WHEREFORE, Defendants respectfully request that the Court grant this Motion and enter an Order allowing Defendants to file an unredacted version of Defendants' Reply in Support of Their Motion for Summary Judgment under seal.

Dated: December 30, 2024

Respectfully submitted,

By: /s/ Robert A. Muckenfuss

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*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 30<sup>th</sup> day of December 2024, the foregoing was filed with the Court using the CM/ECF system.

/s/ Robert A. Muckenfuss  
Robert A. Muckenfuss